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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Barach

Application No.: 09/532,988

Group: 2665

Filed: March 22, 2000

Examiner: Daniel J. Ryman

Confirmation No.: 8379

For: AN EFFICIENT METHOD FOR COLLECTING STATISTICS VIA A  
HALF-DUPLEX SERIAL BUS

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Commissioner for Patents  
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Sir:

This Reply is being filed in response to the Interview Summary mailed from the U.S. Patent and Trademark Office on February 3, 2004 in the above-identified application. This Reply includes a statement of substance of the Examiner's Interview conducted January 26, 2004 in accordance with MPEP 713.04.

**REMARKS**

On January 26, 2004, an Examiner's interview was conducted in the above-captioned application. In attendance were Examiner Daniel J. Ryman, Mark B. Solomon, Esq. (Applicant's representative), and David Barach (Applicant), collectively referred to hereinbelow as "participants." Applicant thanks Examiner Ryman for conducting the Examiner's Interview.

Applicant filed a Request for Continued Examination (RCE) on January 26, 2004 before the date of Examiner's mailing of the Interview Summary mailed on February 3, 2004. This Reply is being filed in accordance with the MPEP §713.04 to include a statement of the substance of an Examiner's Interview conducted on January 26, 2004. Applicant thanks Examiner Daniel J. Ryman for providing the Interview Summary.

During the Interview, the participants discussed Naimpally *et al.* (USPN 5,650,825) ("Naimpally"). The discussion included the issue of whether Naimpally was non-analogous prior art since Naimpally's embodiment is directed to a high-speed data stream. Examiner asserted that Naimpally's invention is directed towards efficiently using bandwidth in a communications system by replacing null data with pertinent data. Participants agreed that Naimpally's disclosed replacing of null data with pertinent data can be used in systems other than the high-speed data stream of Naimpally's disclosed embodiment (i.e., an MPEG system). The participants also agreed, however, that Applicant's claimed invention is non-obvious in view of Naimpally individually, but may be obvious in view of a combination of references, as set forth in the Office Action mailed October 24, 2003.

At the end of the Examiner's interview, Applicant suggested that the claims could be amended to distinguish more clearly over the cited references by adding further limitations for purposes of expediting prosecution, but reserved the right to file claims on the originally filed subject matter at a later date. Accordingly, Applicant filed the Request for Continued Examination (RCE) on January 26, 2004 with an amendment that includes limitations Applicant believes are non-obvious in view of the combination of cited references set forth in the Office Action mailed October 24, 2003.

**CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims (Claims 1-40) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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Dated: 3/2/04